

**COVER PAGE LISTING DOCUMENTS
BEING TRANSMITTED VIA FACSIMILE**

**RECEIVED
CENTRAL FAX CENTER**

FEB 04 2008

7 Pages Via Facsimile: 571-273-8300
Mail Stop **AF**
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (fax no. 571-273-8300) on February 4, 2008.

Stephen Binkstein
Stephen Binkstein

Regarding the following Application:

Applicant(s): FRANKEL, Fred R et al.

Examiner:

PARKIN, JEFFREY S

Serial No./ 10/660,194
Patent No.:

Group Art Unit: 1648

Filed/ September 11, 2003
Issue Date:

Attorney Docket No.: P-7770-US3

Title: IMMUNOGENIC COMPOSITIONS COMPRISING DAL/DAT DOUBLE
MUTANT, AUXOTROPHIC ATTENUATED STRAINS OF LISTERIA AND
THEIR METHODS OF USE

Please find:

- | | |
|--|---|
| 1. <input type="checkbox"/> Provisional Application Cover Sheet | 11. <input type="checkbox"/> Response to Notice to File Missing Parts (____ Pages) |
| 2. <input type="checkbox"/> Utility Patent Application Transmittal | 12. <input type="checkbox"/> Response to Notice of Incomplete Reply (____ Pages) |
| 3. <input type="checkbox"/> RCE Transmittal Sheet | 13. <input type="checkbox"/> Request for Correction of Filing Receipt |
| 4. <input type="checkbox"/> Transmittal Sheet for Entering National Phase | 14. <input type="checkbox"/> Information Disclosure Statement including:
- Form PTO/SB/08 and
- references _____ |
| 5. <input type="checkbox"/> Design Patent Application Transmittal | 15. <input type="checkbox"/> Preliminary Amendment (____ Pages) |
| 6. <input type="checkbox"/> Fee Transmittal Sheet | 16. <input checked="" type="checkbox"/> Response to Advisory Action dated <u>December 27, 2007</u> |
| 7. <input type="checkbox"/> Utility or Design Patent Application Under 35 USC 111(a) | 17. <input type="checkbox"/> Petition for a One Month(s) Extension of Time |
| <input type="checkbox"/> Provisional Patent Application Under 35 USC 111(b) | 18. <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> National Phase Patent Application Under 35 USC 371 | 19. <input type="checkbox"/> Notice of Appeal |
| Containing: | 20. <input type="checkbox"/> Appeal Brief (____ Pages) |
| ____ Pages of Specification | 21. <input type="checkbox"/> Issue/ Publication Fee Transmittal |
| ____ Pages of Claims | 22. <input type="checkbox"/> Submission of Formal Drawings: Two sets of
____ Sheets containing Figs. _____ |
| ____ Page of Abstract | 23. <input type="checkbox"/> Certified copy of Priority Doc. |
| ____ Pages of Formal Drawings | 24. <input type="checkbox"/> Claim for Convention Priority |
| ____ Pages of _____ | 25. <input type="checkbox"/> Revocation and Power of Attorney, including:
- Statement Under 37 CFR 3.73(b)
- Copy of Assignment |
| 8. <input type="checkbox"/> Signed Declaration & Power of Attorney (____ Pages) | 26. <input type="checkbox"/> Other: (____ Pages) |
| 9. <input type="checkbox"/> Request for Correction of Recordation of Assign. and:
- Recordation Cover Sheet | |
| - Copy of Notice of Recordation of Assignment | |
| 10. <input type="checkbox"/> Recordation of Assign. Cover Sheet & Signed Assign. | |

**RECEIVED
CENTRAL FAX CENTER****FEB 04 2008****Attorney Docket No.: P-7770-US3****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): FRANKEL, Fred R et al. Examiner: PARKIN, JEFFREY S
Serial No.: 10/660,194 Group Art Unit: 1648
Filed: September 11, 2003
Title: IMMUNOGENIC COMPOSITIONS COMPRISING DAL/DAT DOUBLE
MUTANT, AUXOTROPHIC ATTENUATED STRAINS OF LISTERIA
AND THEIR METHODS OF USE

RESPONSE TO THE ADVISORY ACTION DATED DECEMBER 27, 2007

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed after a Notice of Appeal and in response to the Advisory Action dated December 27, 2007, issued by the United States Patent and Trademark Office in connection with the above-identified Application. Applicants filed a Notice of Appeal on December 13, 2007. A reply must be filed within two months of the Notice of Appeal as set forth in 37 CFR 41.37(a). Thus, a reply is due February 13, 2008. Accordingly, this Amendment is being timely filed.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this Amendment.

Remarks begin on page 4 of this Amendment.